

# Notice of Allowability

Application No.

09/284,581

Examiner

Inder P Mehra

Applicant(s)

DIRKMANN ET AL.

Art Unit

2666

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Request for consideration" dated 8/30/04.
2. ☒ The allowed claim(s) is/are 6-9, 16, 10, 12-15, 17-18 (renumbered as 1-12 respectively).
3. ☒ The drawings filed on 15 April 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20041215.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to "Request for consideration" dated 8/3/04. Based on this amendment, claims 1-5 were cancelled previously. Claims 6-18 are pending.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brett C. Martin, Regd. No. 52,000 on 12/14/04.

The application has been amended as follows:

- a. Claim 11 has been cancelled.
- b. In claim 12 line 1, "---11---" has been changed to "---10---".
- c. In claim 12 line 1, "first" has been changed to "service-related signaling".
- d. In claim 13 line 1, "---11---" has been changed to "---10---".
- e. In claim 13 line 1, "second" has been changed to "payload".
- f. In claim 14, "---11---" has been changed to "---10---".
- g. In claim 14 line 2, "second" has been changed to "payload".
- h. In claim 15 line 2, "second" has been changed to "payload".
- i. In claim 17 lines 1-2, "setting up" has been changed to "initiating the setup".

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- j. In claim 18 line 1, “---11---” has been changed to “---10---”.
- k. In claim 18 line 2, “setting up” has been changed to “initiating the set up”.

***Allowable Subject Matter***

- 3. Claims 6-10, 12-18 are allowed.

**REASONS FOR ALLOWANCE**

- 4. The following is an examiner’s statement of reasons for allowance:

The prior art of record does not disclose, suggest or teach fairly the following limitations in combination with other limitations on the claims:

As recited by claim 6,

“intermittently setting up a payload connection associated with the siraling connection between the service access system and the subscriber only when there is data traffic for a service and clearing down the payload connection after the data transmission;

wherein the signaling connection and the payload connection are maintained simultaneously during the data transmission”.

As recited by claim 10,

“initiating the setup of a service-related siraling connection between a subscriber and a service access system’,

intermittently initiating the setup of a payload connection between the service access system and the subscriber associated with the signaling connection only when there is data traffic and initiating the clear down of the payload connection after data transmission,

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wherein the signaling connection and the payload connection are maintained simultaneously during the data transmission”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra* 12/16/04  
Inder P Mehra  
Examiner  
Art Unit 2666

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